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## PART IV

### Section I-C.

### NOTIFICATIONS, RULES, ORDERS, Etc., ISSUED UNDER CENTRAL ACTS AND ORDINANCES WHICH APPLY TO MYSORE

## NOTIFICATION

No. L.D. 2499—Legis. 4-50-67, dated Bangalore, 30th November 1950.

Ordered that the following Notification No. S.R.O. 811, dated the 28th October 1950 of the Ministry of Rehabilitation, publishing the Administration of Evacuee Property (Central) Rules, 1950, published in the *Gazette of India*, Part II, Section 3, dated the 28th October 1950, be republished in the *Mysore Gazette*, for general information.

By Order of
His Highness the Maharaja,
B. S. PUTTASWAMY,
*Legal Remembrancer and*
*Secretary to Government,*
*Law Department.*

### MINISTRY OF REHABILITATION

*New Delhi, the 28th September 1950*

*S.R.O. 811.*—In exercise of the powers conferred by Section 56 of the Administration of Evacuee Property Act, 1950 (No. XXXI of 1950), the Central Government is pleased to make the following Rules, namely :—

1. *Short title.*—These Rules may be called the Administration of Evacuee Property (Central) Rules, 1950.

2. *Definitions.*—In these Rules :—
(a) "The Act" means the Administration of Evacuee Property Act, 1950 (Act No. XXXI of 1950).

(*b*) "Form" means a form appended to these Rules.

(*c*) "Section" and "sub-section" mean, respectively, a Section and a sub-section of the Act.

(*d*) All other terms and expressions used herein but not defined shall have the meaning respectively assigned to them in the Act.

3. *Conditions of service of the Custodian General and other officers.*—(1) The Custodian General and all Officers appointed by or under him, shall, subject to any special contract to the contrary, be governed by the Central Civil Service Rules applicable to the class of officers to which the Custodian General or such officers belong.

(2) If any question arises as to the class of officers to which the Custodian General or any such officer belongs the decision of the Central Government thereon shall be final.

4. The Central Government may appoint as many Deputy and Assistant Custodians General as it may deem necessary to assist the Custodian General in the discharge of his functions. Such Deputy and Assistant Custodians General shall perform such functions as the Custodian General may assign to them.

5. *Transfer of assets to Pakistan.*—A remittance of any sum of money to Pakistan shall not be deemed to have been made for the purpose of financing a transaction in the ordinary course of trade within the meaning of the proviso to section 2(*e*) (i) of the Act if—

(i) it is found to be a remittance of capital to Pakistan without an adequate return in India in the shape of money or goods; or

(ii) the transaction to finance which the remittance is made is outside the normal trade activities of the remitter; or

(iii) the object of the remitter is to invest money in property, shares or securities held outside India; or

(iv) the transaction is benami; or

(v) the amount remitted exceeds the financial capacity and resources of the remitter:

Provided that the Custodian may, subject to such terms and conditions as he may deem fit, permit the remittance of any reasonable sum of money to Pakistan:

Provided further that the Custodian shall permit a remittance of Rs. 25 per mensem for the maintenance of each member of the family of the remitter so long as such member continues to stay in Pakistan and if the aggregate amount so remitted is not beyond the financial resources of the remitter.

6. *Manner of inquiry under section 7.*—(1) Where the Custodian is satisfied from information in his possession or otherwise that any property or an interest therein is *prima facie* evacuee property, he shall cause a notice to the served, in Form No. 1, on the person claiming title to such property or interest and on any other person or persons whom he considers to be interested in the property.

(2) The notice shall, as far as practicable, mention the grounds on which the property is sought to be declared evacuee property and shall specify the provision of the Act under which the person claiming any title to, or interest in, such property is alleged to be an evacuee.

(3) The notice shall be served personally, but if that is not practicable, the service may be effected in any manner provided in Rule 28.

(4) Where a notice has been duly served, and the party called upon to show cause why the property should not be declared as evacuee property, fails to appear on the date fixed for hearing, the Custodian may proceed to hear the matter *ex-parte* and pass such order on the material before him as he deems fit.

(5) Where such party appears and contests the notice he shall forthwith file a written statement verified in the same manner as a pleading under the Code of Civil Procedure 1908, stating the reasons why he should not be deemed to be an evacuee and why the property or his interest therein should not be declared as evacuee property. Any person or persons claiming to be interested in the enquiry or in the property being declared as evacuee property, may file a reply to such written statement. The Custodian shall then, either on the same day or on any subsequent day to which the hearing may be adjourned, proceed to hear the evidence, if any, which the party appearing to show cause may produce and also evidence which the party claiming to be interested as mentioned above may adduce.

(6) After the whole evidence has been duly recorded in a summary manner, the Custodian shall proceed to pronounce his order. The order shall state the points for determination, and the findings thereon with brief reasons.

7. *Notification of Evacuee Property under sub-section (3) of Section 7.*— (1) The Custodian, after holding such enquiry, as he deems fit and on being satisfied that a particular property is evacuee property, shall notify the same in the Official Gazette or in any local newspaper or on the Notice Board kept for that purpose in his office. In the last mentioned case, the Custodian may, in addition, cause a copy of the Notification to be affixed on the evacuee property.

(2) The notification shall be in Form 2 and shall give full particulars of the property regarding the location, Municipal numbers, etc. In case of agricultural land, it shall specify, as far as possible, its khasra number and the village where it is situated. Any error or irregularity in the drawing up or the publication of the notification shall not be deemed to detract from the validity of such a Notification or otherwise afford a valid defence to claim of the Custodian to the property as having vested in him.

(3) A list of all such evacuee property brought up-to-date in each State shall be published once a year, in the Official Gazette or in such other manner as the Custodian deems fit.

8. *Notice to surrender possession under sub-section (4) of Section 8.*—(1) On the publication of a notification under Rule 7 a notice in Form 3 demanding surrender of possession may be served on the occupant or holder of evacuee property, calling upon him to surrender possession to the Custodian or a person authorised by him in this behalf within the time specified in the notice, provided that in any emergent case, the Custodian may require the occupant to give up possession immediately and the premises may be sealed at once.

(2) A notice under sub-rule (1) shall be signed by an officer not below the rank of Assistant Custodian.

9. *Procedure under Section 9.*—(i) Where a notice has been duly served on the occupant or holder of the property under Rule 8 and the possession is not delivered as required, the officer who issued the notice or any other officer

not below the rank of a Deputy Custodian, may issue a warrant of eviction or seizure in Form 4. One copy of the warrant shall be forwarded to the officer in charge of Police Station within the territorial limits of which the property concerned is for the time being, to be found or such other officer as may be in charge of carrying out evictions or seizures, who shall forthwith take steps to effect the eviction or seizure with the use of such force as may be necessary.

(ii) Every police officer to whom a warrant of eviction or seizure is sent for execution shall submit a weekly report to the Deputy Superintendent of Police having jurisdiction and a copy thereof of the Custodian, giving details of number of warrants entrusted to as well as executed by him together with such other particulars as may be necessary.

(iii) A register of warrants shall be maintained by the Custodian and such register shall contain the following particulars :—

(*a*) Name of owner.

(*b*) Description of property.

(*c*) Name of the person against whom the warrant is to be executed.

(*d*) Date of issue and service of surrender notice.

(*e*) The final result.

(iv) The Custodian, the Additional Custodian or the Authorised Deputy Custodian of his own motion or on the motion of the party aggrieved, may stay any eviction proceeding pending disposal of the appeal against the order declaring the property to be evacuee property.

10. *Mode of taking possession of immovable property.*—(1) Where, any evacuee property, which vests in the Custodian, is in the possession of either the evacuee himself or any other person, whether holding on behalf of or under, the evacuee or otherwise, but having no lawful title to the possession of such property enforceable against the Custodian, possession may be taken by evicting the person in possession of such property in accordance with the manner provided in the Act and these Rules.

(2) Where such property is, at the time aforesaid, in the possession of one or more tenants or one or more lessees or licensees whom the Custodian cannot eject or, for any reason, does not want to eject, possession may be taken by serving on the tenants or the lessees or the licensees a notice directing them to pay the rent or the lease-money or the license fee, as the case may be, to the Custodian or to any person authorised by him to receive such payment. The notice may be served in any manner provided in Rule 25.

Where such property is an undivided share in joint property.

(*a*) If under some arrangement *inter se* the co-shares, the evacuee was in separate possession of any part of the joint property, possession may be taken of such part in accordance with the manner provided in sub-rule (1) or sub-rule (2), whichever is applicable.

(*b*) In any other case, constructive possession may be taken by affixing a copy of the warrant for possession on a conspicuous part of the property, and if considered necessary by proclamation, by beat of drum in the locality in which the property is situated :

Provided that where the share of the evacuee in such property exceeds one-half of the whole property, possession of the whole property may be taken in the manner provided in sub-rule (1) or sub-rule (2) whichever is applicable.

11. *Mode of taking possession of tangible movable property.*—Where the property to be taken possession of is tangible movable property, possession may be taken by actual seizure and after such seizure the Custodian may either keep the property in his own custody or entrust it to a supurdar on the latter furnishing security in Form No. 5. Provided that where the property is subject to speedy or natural decay or the expense of keeping it is likely to be out of proportion to its value, the Custodian may sell it forthwith.

12. *Mode of taking possession of other movable property.*—(1) Where property to be taken possession of is a debt or a legacy or interest payable on a debt or a legacy, possession may be taken by serving the party liable with a notice, requiring such party to pay the same to the Custodian or any other person authorised by him to receive the payment.

(2) Where such property is a share in a joint-stock-company, not being a joint-stock-company referred to in sub-clause (2) (ii) of clause (*f*) of Section 2 of the Act, possession may be taken by informing the principal officer of such company that the share has vested in the Custodian.

(3) Where such property consists of Government or other securities, stock, or debentures, possession may be taken by serving upon the appropriate authority a notice requiring such authority to make all payments in respect of such securities, stock, or debentures to the Custodian or any other person authorised by him in this behalf.

(4) Where such property is a running business or a share in such business, the Custodian may take possession of the stock-in-trade and other assets of the business and may further take such steps as he considers necessary either for the continuance or for the winding up of such business.

13. *Preparation of inventory of movable property.*—Where the Custodian takes possession of any movable property including any stock-in-trade or plant or machinery or any undertaking, he shall cause an inventory to be prepared of the property in Form No. 6, in triplicate, in the presence of not less than two residents of the locality. The inventory shall be signed by the person by whom it was prepared and each of the two witnesses and shall be countersigned by the Custodian. One copy of the inventory shall be made over to the supurdar (if any) and two copies shall be retained by the Custodian.

14. *Cancellation or variation of leases and allotments.*—(1) The Custodian shall not ordinarily vary the terms of a lease subsisting at the time he takes possession of immovable property or cancel any such lease or evict a person who is lawfully in occupation of such property under a lease granted by the lessor before he became an evacuee and not in anticipation of becoming an evacuee unless the Custodian is satisfied that the lessee has done or omitted to do something which renders him liable to eviction under any law for the time being in force.

(2) In case of a lease or allotment granted by the Custodian himself, the Custodian may evict a person on any ground justifying eviction of a tenant under any law relating to the Control of Rents for the time being in force in the State concerned, or for any violation of the conditions of the lease or the allotment.

(3) The Custodian may evict a person who has secured an allotment by mis-representation or fraud or if he is found to be in possession of more than one evacuee property or in occupation of accommodation in excess of his requirements.

(4) Before cancelling, or varying the terms of a lease or before evicting any lessee the Custodian shall serve the person or the persons concerned with a notice to show cause against the order proposed to be made and shall afford him a reasonable opportunity of being heard.

(5) Nothing in this rule shall be deemed to abridge or limit the power of the Custodian to cancel, or vary the terms of a lease relating to evacuee property, or to evict a lessee of such property where he is of the opinion that, for reasons to be recorded in writing it is necessary or expedient to do so for the preservation, or the proper administration or the management of such property or for carrying out any other object of the Act.

15. *Procedure for restoration of property.*—(1) A person applying for restoration of evacuee property shall state in the application the names of the persons interested in the property sought to be restored and the facts on which the claim for restoration is based.

(2) The application shall be verified in the same manner as a plaint under the Code of Civil Procedure 1908.

(3) The application shall be accompanied by a certificate from the Central Government or an authorised person as provided in the proviso to sub-section (1) of Section 16.

(4) A notice of the application shall be given to the party or parties named therein and any other person who may otherwise appear to the Custodian to be interested in the property.

(5) A public notice of the application shall also be issued in a local daily or weekly newspaper at the expense of the applicant.

(6) The applicant shall, before any order for restoration is made, produce a "No demand Certificate" from the relevant branches of the office of the Custodian.

(7) On the date fixed, the Custodian shall hold *an enquiry as nearly* as may be in the manner *prescribed in Rule 5* into the matters raised in the Application for restoration or in any written statement filed by any other party.

16. *Terms and conditions which a Custodian may impose while making an order for restoration of property under section 16.*—Without prejudice to the generality of the provisions contained in section 16 on the subject, a Custodian may, while making an order for the restoration of any evacuee property under that section, impose any terms or conditions which he considers to be just and proper, having regard to the commitments already made, or action already taken by him in the exercise of his functions under the Act, or which otherwise seem to be necessary for carrying out the purpose of the Act.

17. *Enquiries under Section 19.*—A notice under section 19 shall briefly specify the grounds on which, and the provision of the Act under which a person is called upon to show cause why he should not be declared an "intending evacuee". Subject to this rule, the same procedure as is laid down in Rule 5 will be followed in an enquiry under the aforesaid section.

18. *Enquiries under section 22.*—(1) If an intending evacuee contravenes the directions given to him by the Custodian or acts contrary to any of the provisions of the Act, or if there is reason to believe, on a consideration of the facts disclosed during the course of the enquiry under Section 19 or otherwise, that he had, after the 14th day of August, 1947, and before the 18th day of October, 1949, done any of the acts referred to in the explanation to Section 22

(of the Act) or hereinafter prescribed as constituting a preparation for his migration to Pakistan, the Custodian shall serve him with a notice to show cause why his property or properties should not be taken over as evacuee property.

(2) In addition to the circumstances mentioned in the explanation to Section 22 of the Act, the following shall be deemed to constitute a preparation for migration to Pakistan.

(i) disposal of the bulk of one's house-hold effects,

(ii) disposal of assets essential to one's profession, practice or calling or trade such as the disposal of medical books and equipment by a doctor, the disposal of law books by a practising lawyer and the disposal of his stock-in-trade by a trader, and

(iii) disposal of the tools and instruments by which a person earns his livelihood.

(3) After a notice has been served as provided in Rule 17, if the person fails to appear on the date specified in the notice, the Custodian shall proceed to give his findings *ex parte*.

(4) If the party appears and puts in objections, his objections shall be decided after giving him a reasonable opportunity of adducing evidence in support of his objections. The Custodian may, in his discretion allow any other party to produce evidence in rebuttal of such evidence and may himself call such evidence as he deems fit.

(5) After hearing all the evidence, the Custodian shall proceed to pronounce his order.

19. *Enquiries under Section 23.*—(1) An enquiry under Section 23 may be initiated either on an application made by any person conversant with the facts of the case or on information otherwise received by the Custodian.

(2) Such enquiry shall not be held by an officer below the rank of a Deputy Custodian.

(3) An application for an enquiry under sub-rule (1) shall, as nearly as may be, be in the form of a plaint under the Code of Civil Procedure 1908.

(4) On receipt of an application or information as aforesaid, a notice, accompanied by a copy of the application or a summary of the information as the case may be, shall be served on the intending evacuee concerned to show cause why he should not be required to pay the deficiency in the value of the property.

(5) The procedure laid down in the Code of Civil Procedure 1908 for the trial of civil suits shall, as far as possible, be followed in the proceedings subsequent to the service of the notice hereinbefore mentioned.

20. *Procedure for the confirmation of transfers under Section 40*—(1) An application for confirmation under sub-section (2) of section 40 shall contain the following particulars, namely :—

(*a*) Boundaries, Municipal number and location of the property and also Khasra number in case of agricultural land.

(*b*) Particulars of transfer sought to be confirmed including the dates of the transfer and registration, if any, the addresses of the parties and the consideration paid or deferred.

(*c*) Particulars of any previous transfers in respect of the property.

(*d*) The name and address of the person in possession of the property transferred and the capacity in which such person is in possession.

(2) The application shall be verified in the manner prescribed in the Code of Civil Procedure 1908 for verification of pleadings and shall be accompanied by a copy of the transfer deed in question and also a schedule containing the particulars of any other property owned, possessed or transferred by the transferor after 1st March, 1947.

(3) The application shall be presented by the transferor or the transferee personally or by any person claiming under, or lawfully authorised by either of them.

(4) The Custodian shall cause a notice in Form No. 7 be served on the transferor or transferee as the case may be, and may further cause a similar notice to be served on any person whom the Custodian considers to be interested in or likely to be affected by, the result of the application.

(5) A public notice shall also be published in a daily newspaper at the expense of the applicant.

(6) If any application referred to in sub-rule (1) is pending on the date these Rules came into force, the applicant may within thirty days from such date or within such period as the Custodian may by order specify, amend his application so as to bring it in conformity with these Rules and may also make up the deficiency if any, in the Fee leviable on such application :—

Provided that the Custodian on sufficient cause being shown may extend the period prescribed by this sub-rule.

(7) In case the applicant fails to amend the application in accordance with sub-rule (6) the Custodian may dismiss the application or proceed to decide it on the materials before him.

(8) After notices are served in accordance with the provisions of sub-rules (4) and (5) the Custodian shall after a summary enquiry proceed to determine the application.

(9) If a party making an application fails to appear on the date fixed when the case is called for hearing, the Custodian may dismiss the application for default or proceed to decide the application in the absence of the party, on the materials before him.

(10) Where the application is dismissed under sub-rule (9) the applicant shall be precluded from making a fresh application on the same facts with respect to the same property. But the applicant may apply within thirty days from the date the order of dismissal is communicated to him for an order setting aside the dismissal and the Custodian, if he is satisfied that there was sufficient cause for non-appearance when the case was called for hearing shall make an order setting aside the order of dismissal upon such terms, as he thinks fit and shall fix a date for proceeding with the application.

(11) The Custodian shall refuse to confirm any transfer which he has reasonable grounds to believe to be colourable or benami.

21. *Mode of attachment under sub-section* (3) *of section 19.*— (1) Immovable property may be attached by sealing the premises (if necessary) and also by serving a prohibitory order on the person interested not to deal with the property in any manner, whatsoever. A copy of such prohibitory order shall simultaneously be affixed on some conspicuous part of the property in question. In case of agricultural land, attachment shall be effected by serving on the

person interested a prohibitory order as provided above and by proclaiming the fact of attachment by beat of drum in the revenue estate in which such land is situated. Intimation about the attachment may also be sent to the Collector of the District in which the land is situated.

(2) Attachment of movable property capable of immediate physical possession shall be effected by actual seizure of such property. Where, however, the property to be attached does not admit of such possession it may be attached in any manner provided in Order XXI, Rules 44 to 49 of the Code of Civil Procedure 1908 according as the nature of the property may permit. In case of property attached by means of actual seizure, the Custodian may make such order as he thinks just and convenient for its custody. Where, however, the property seized is subject to speedy and natural decay, or when the expense of keeping it in custody is likely to exceed its value, he may sell it at once. In such a case, the sale proceeds shall be treated as the property attached.

(3) Where the movable property attached consists of cash or ornaments or other valuables, the Custodian may make such order as he thinks fit for its preservation during the intervening period.

(4) Where, the movable property attached consists of merchandise or stock-in-trade, the Custodian shall without any unreasonable delay, if possible and convenient cause an inventory of the goods attached to be made and also have an estimate made of their approximate value. Where it is not possible or convenient to have an inventory for the goods prepared, the Custodian may only have them evalued. In such cases the Custodian shall make over the goods to the person claiming title thereto or found in possession thereof on his furnishing security for their estimated value.

(5) Where the property to be attached is a business, the Custodian may call upon the person in possession of the business establishment to furnish security for its estimated income for a period of one year or such lesser period as he deems fit and on such person furnishing security shall allow him to continue the business.

In case of the expiration of the period of one year before the conclusion of the enquiry, the Custodian may ask for security for a further period. The business premises may be sealed if the required security is not furnished within the period specified by the Custodian and may be handed over to a caretaker on his furnishing the requisite security.

(6) Notwithstanding anything contained in this Rule no business or residential premises shall be kept under seal for any period beyond that which is strictly necessary.

22. *Claims by third parties.*—(1) Any person claiming the right to receive any payment from any evacuee or from the property of such evacuee, whether in re-payment of any loan advanced or otherwise, may present a petition to the Custodian for registration of his claim. Such application shall be signed and verified by the claimant in the same manner as a plaint is required to be signed and verified under the Code of Civil Procedure 1908.

(2) On receipt of such application the Custodian where he finds the claim to be supported :—

(*a*) by a decree of a competent Court, or

(*b*) by a registered deed executed and registered before 14th August, 1947, or by a registered deed executed and registered after such date but confirmed by the Custodian :

and if he is satisfied that the claim has not been satisfied either wholly or in part, may register the claim or such part thereof as has not yet been satisfied. He may also register a claim proved to have been acknowledged in writing by the evacuee himself before 1st March, 1947, on being satisfied that such claim has not been satisfied. In all other cases he shall direct the claimant to establish his claim in a Civil Court.

(3) The mere registration of a claim shall not entitle the climant to payment and the Custodian may for reasons to be recorded refuse payment.

(4) No debt incurred by the evacuee before the property vested in the Custodian shall be paid without the sanction of the Central Government or Custodian-General.

*Explanation.*—Nothing in this rule shall debar the Custodian from meeting the day to day expenses incurred in the management of evacuee property and such expenses may be paid without sanction. Sanction of the Central Government or the Custodian-General is also not required to the discharge by the Custodian of the legitimate obligation and liabilities incurred in the ordinary course of business of a trading concern carried on by the Custodian whether such liabilities and obligations are incurred before or after the vesting of the business in the Custodian.

23. *Management of Trust Properties.*—Trust properties may be managed by the Custodian in the same manner as other evacuee property, but in case of public trust of religious or charitable nature, recourse may be had to section 92 of the Code of Civil Procedure 1908, if the circumstances so require.

24. *Leases of Evacuee Property.*—Any evacuee property may be leased out by the Custodian for a period not exceeding the period specified in any general or special directions issued by or under the authority of the Central Government.

25. *Method of payment of amounts due to the Custodian.*—(1) Rents, rates, lease money, sale proceeds and other amounts payable to the Custodian in respect of evacuee property under the Act or under these Rules shall be tendered in cash or by postal money order to the Cashier in the office of the Custodian or to any other person who may be authorised by the Custodian in this behalf to receive such money.

(2) The person receiving the money on behalf of the Custodian shall issue a receipt in Form No. 8. Receipts issued by the person making realisation on behalf of the Custodian on the spot shall, however, be prepared in Form No. 9 by carbon process by using double-sided carbon paper.

(3) Crossed cheques may, at the discretion of the Custodian be accepted. In case of out-station cheques, the amount on account of bank commission should also be added to the amount due to the Custodian. No receipt for any cheque shall be valid discharge of any liability unless the cheque is chased.

26. *Administration and other charges.*—(1) A fee equivalent to 10 per cent of gross realisations made from evacuee property shall be charged as administration charges from the date on which the property is taken over by the Custodian.

*Explanation.*—This sub-rule applies to part 'C' States only.

(2) A fee equivalent to 10 per cent of gross realisation made from evacuee property shall be charged on account of maintenance and normal repairs from the date on which the property is taken over by the Custodian.

(3) In addition to normal repairs the Custodian may also spend such amounts on special repairs to the property as are sanctioned by the Central Government or the Custodian-General. Such expenditure on special repairs will in the first instance be met out of the income of the property and if there is not sufficient income, it will be debited against the capital value of the property.

27. *Administration charges for movable property.*—(1) When any movable evacuee property is returned under Section 16 or is otherwise released, administration charges equivalent to 10 per cent of the assessed value of the property shall be charged over and above other charges which have been actually incurred on maintenance, repair, transport or storage of the same.

(2) This rule applies to Part C States only.

28. *Manner of service or publication of notice, summons or order.*—Service or publication of any notice, summons or order under the Act or under these Rules shall be effected in one or more of the following modes namely :—

(1) by giving or tendering it to the person concerned or his manager or agent, if any.

(2) by leaving it at the last known place of business of the person concerned or by giving or tendering it to some adult member of the family.

(3) by sending the notice, summons or order by registered post.

(4) by affixing the notice, summons or order on some conspicuous part of the premises concerned or at the last known place of business or residence of the person concerned or by publication in a daily or weekly newspaper or by proclamation by beat of drum in the locality.

29. *Reference to a Civil Court under Section 16.*—The Custodian may refer the applicant to a Civil Court for the determination of his claim and title to the property where there is more than one claimant or where the matter is complicated and it is not in the interests if the parties to have the necessary adjudication in a summary enquiry.

30. *Examination of witnesses.*—The Custodian shall be entitled to issue a commission for recording statement on oath of any person, as provided in Order XXVI of the Code of Civil Procedure.

31. *Appeals, Review and Revisions.*—(1) All appeals under the Act shall, when they lie to the District Judge nominated in this behalf or the Custodian, be filed within thirty days of the date of the order appealed against and when they lie to the Custodian-General, within sixty days of such date.

(2) The petition of appeal shall be presented in person or through a legal practitioner or a recognised agent when the appeal lies to the Custodian or a specially nominated District Judge. Where an appeal lies to the Custodian-General the petition of appeal may be sent by registered post.

(3) Every petition shall state succinctly the grounds on which the order appealed from is attached and shall be accompanied by a copy of such order unless the appellate authority dispenses with such copy.

(4) Except as otherwise expressly provided in the Act or in these Rules, the procedure laid down in Order XLI of the Code of Civil Procedure 1908 shall, so far as applicable, apply to the hearing and disposal of appeals under the Act.

(5) Any petition for revision when made to the Custodian shall ordinarily be filed within thirty days of the order sought to be revised, while a petition for revision when made to the Custodian-General shall ordinarily be made within sixty days of such date. The petition shall be presented in the same manner as a petition of appeal when it is made to the Custodian but it may be sent by registered post when made to the Custodian-General. The petition shall be accompanied by a copy of the order sought to be revised and when made to the Custodian-General by also a copy of the original order unless the Revising authority dispenses with the production of any such copy.

(6) An application for review of any order may be made within thirty days of the date of such order and shall be presented either in person or through a legal practitioner or a recognised agent.

(7) The provisions of Sections 4, 5 and 12 of the Indian Limitation Act of 1908, shall, so far as they are applicable, apply in computing the period of limitation provided in this rule.

(8) A notice of any appeal, revision or review may be given, in addition to the person concerned, to any other person who, in the opinion of the authority hearing the appeal, the revision or the review, may be interested in the same.

(9) Any authority hearing any appeal or an application for revision may admit additional evidence before its final disposal or may remand the case for admission of additional evidence and report or for a fresh decision, as such authority may deem fit.

32. *Fees.*—(1) The following fees shall be payable in respect of petitions, applications and appeals under the Act, except those presented or filed by an officer of the Custodian department or any other public officer as such :—

| | | |
|---|---|---|
| (*I*) | *Appeals*— | |
| | (i) to the Custodian-General | Rs. 20/- |
| | (ii) to the Custodian, Additional Custodian or the specially designated District Judge | Rs. 10/- |
| (*II*) | *Petitions*— | |
| | (i) for revision when made to the Custodian-General | Rs. 10/- |
| | (ii) for revision when made to the Custodian or Additional Custodian | Rs. 5/- |
| | (iii) for review | Rs. 5/- |
| (*III*) | *Applications*— | |
| | (i) Under Section 16 for restoration of property | Rs. 10/- |
| | (ii) Under Section 38 for confirmation of transfer— | |
| | (*a*) Where the consideration for the transfer does not exceed Rs. 1000/- | Rs. 2/- |
| | (*b*) Where the consideration for the transfer exceeds Rs. 1,000/- but does not exceed Rs. 5,000/- | Rs. 5/- |
| | (*c*) Where the consideration for the transfer exceeds Rs. 5,000 but does not exceed Rs. 10,000 | Rs. 10/- |
| | (*d*) In all other cases | Rs. 20/- |
| (*IV*) | (*a*) Applications under Section 23 for an intending evacuee being called upon to pay up the deficiency in the consideration paid by him for an evacuee property in Pakistan | Rs. 5/- |
| | (*b*) Application for a copy | Annas 2 |
| | (*c*) Application not otherwise provided for but made in connection with proceedings under Sections 7, 16, 19, 22 and 40 | |
| | (i) when made to the Custodian-General | Rs. 2/- |
| | (ii) when made to any other officers | Re. 1/- |
| | (iii) applications of a miscellaneous nature not otherwise provided for | Annas 2 |

(2) No officer authorised to receive any appeal, petition or application shall receive the same unless fee payable under this rule is paid in such manner as the Central Government from time to time determine.

(3) A register shall be maintained in the office of every Custodian showing the fee paid in respect of every petition, application or appeal, and the entries shall be checked and countersigned by the officer by whom the petition, application or appeal, as the case may be, is heard or by such other officer subordinate to him as he may authorise in this behalf.

33. *Basic record of property to be maintained in property section.*—(*a*) All immovable property taken possession of by the Custodian shall be recorded in a Register in Form No. 10. Similar registers shall be maintained with respect to properties of intending Evacuees.

(*b*) All movable property taken possession of by the Custodian shall be recorded in a register in Form No. 11 and a slip in Form No. 12 shall be attached to each article. The Officer entrusted with the custody of such property shall be responsible for its safe custody and for protecting it from loss, damage or deterioration. He shall maintain a suitable record of the property taken into custody with a view to facilitating check at any time of the articles in hand with those shown as such in the Registers. He shall also arrange for periodical physical verification of the articles in hand.

(*c*) The account books, title deeds and other valuables and documents taken possession of by the Custodian shall be noted in the Register of Valuables in Form No. 13 and a slip in Form No. 12 shall be attached to each article.

*Explanation* :—When any property is disposed of by sale or otherwise the details of disposal shall be entered in the appropriate columns of the relevant registers.

34. *Powers of Managers.*—The manager appointed under sub-section (2) of section 10 shall act under the general supervision and control of the Custodian and may exercise such powers as may be delegated in writing to him by the Custodian from time to time.

35. *Fees for inspection and copies.*—(1) The following fees shall be payable by a person desirous of obtaining any copy from any record maintained under the Act or these Rules :—

| | | |
|---|---|---|
| (*a*) | Certificate of receipts of the cash or duplicate copy of Challan .. | Re. 1/- |
| (*b*) | Copy of final original order passed by a Custodian, Challan .. | Rs. 2/- |
| (*c*) | Copy of final order passed on appeal, revision or review .. .. | Rs. 3/- |
| (*d*) | Copy of any application, objection petition, affidavit, or statement made by a party or a witness .. .. .. .. | Rs. 3/- |
| (*e*) | Any other document .. .. .. .. .. | Rs. 4/- |

(2) Any person interested in any evacuee property may, with the permission of the Custodian, inspect the record relating to such property on payment of a fee of Rs. 2/-. Any person interested in any original case, appeal, revision or review pending before the Custodian-General, or any Custodian may, with the permission of such officer, inspect the record of such case on payment of a similar fee.

(3) Such officer may authorise a person inspecting to take short notes (not verbatim in pencil).

(4) The fees payable under this rule may be paid in a manner as the Central Government may from time to time determine.

36. *Seal.*—The Custodian-General and the Custodian shall have a seal which will bear the words Custodian-General/Custodian of Evacuee Property.

37. *Restitution.*—When any property taken into possession as an evacuee property is subsequently declared by the Custodian or any other competent authority to be a non-evacuee property, the Custodian may, on the application of any party entitled to the actual possession thereof, take such action as will place the parties in the same position in which they were on the date of possession. For this purpose, the Custodian may order the person in occupation of the property to vacate the same and the Custodian may use such force or authorise the use of such forces as may be necessary for the purpose.

38. *Receipts.*—Income and other receipts on account of Evacuee Property fall under the following categories :—

(A) *Immovable Property*

| | |
|---|---|
| (1) Income from Urban Property .. | (*a*) Lands<br>(*b*) Houses<br>(*c*) Shops<br>(*d*) Factories, workshops and other commercial undertakings.<br>(*e*) Miscellaneous |
| (2) Income from Rural Property ... | (*a*) Lands<br>(*b*) Houses<br>(*c*) Shops<br>(*d*) Miscellaneous |

(B) *Movable Property*

| | |
|---|---|
| (1) Income from Urban Property .. | (*a*) Identifiable property<br>(i) Sale proceeds<br>(ii) Other receipts.<br>(*b*) Unidentifiable property<br>(i) Sale proceeds<br>(ii) Other receipts. |
| (2) Income from Rural (including Agricultural) Property. | (*a*) Identifiable Property<br>(i) Sale proceeds.<br>(ii) Other receipts.<br>(*b*) Unidentifiable property<br>(i) Sale proceeds<br>(ii) Other receipts. |

(C) *Miscellaneous.*

(1) Evacuee's interest in business concerns (*e.g.,* Dividends on shares, business profits, etc.)

(2) Debt and other payments due to evacuees.

(3) Other receipts.

The head (C) is intended to cover receipts like interest on investment of surplus cash by the Custodian in approved Govt. securities under Section 10 (2) (*p*) of the Act and other receipts which may not be allocated to any other head.

39. *Maintenance of records and registers.*—The following account records and registers shall be maintained by Custodian of Evacuee Property or by Officers authorised to act on their behalf.

(i) An index Register shall be maintained in Form No. 14 in which the names of evacuees shall be entered in alphabetical order. References to the pages of other registers in which the transactions of the evacuee are recorded shall be given on the relevant page of this register.

(ii) A personal account shall be maintained in Form No.15 for each evacuee in a bound register, with an index in an alphabetical order. Sufficient number of pages shall be set apart for each evacuee. The monthly total of receipts

and payments as recorded in the several individual registers shall be posted into the personal account of each evacuee at the end of each month, figures of administration charge and Custodian's fee being posted separately as distinct from totals of other expenditure.

(iii) A receipt and expenditure account of immovable property shall be maintained in Form No. 16 for recording complete details of receipts and payments of all evacuee immovable property other than agricultural land, and it shall also show, the name of the owner, full specifications of property and assessed rent recoverable in respect of each item. Particulars of factories and workshops shall be recorded in a separate register in the same form. A separate account of receipts and expenditure shall be maintained in Form No. 17 in respect of Agricultural property. The entries in the registers shall be attested by the officer checking them.

(iv) Account of receipt and expenditure on account of movable property belonging to each evacuee shall be maintained in Form No. 18. Separate registers shall be maintained in respect of identifiable and unidentifiable property. Disposal of this property by aution, sale or otherwise when made shall be indicated in this register. The results of the verification of ground balances of the articles with the book balances shall be recorded in this register. When the property is sold or leased by public auction the bids shall be recorded in the sales register (Form No. 19), the signature or thumb impression of the last bidder being obtained in column 11 of the form.

*Note.*—The intermediate bids in respect of property liable to fetch not more than Rs. 100/- may not be recorded in the register.

(v) Account of receipt and expenditure in respect of debts or claims due to evacuees shall be maintained in Form No. 20.

(vi) A rent demand and collection register for immovable property (other than Agricultural) shall be maintained in Form No. 21 for showing the rent assessed on immovable property let out on rent and the amount of rent actually realised.

(vii) A miscellaneous demand and collection register shall be maintained in Form No. 22 for recording recovery of amounts other than those recorded in the Rent Demand and Collection Register.

(viii) Income arising from the interest of evacuees in business concerns, *e.g.*, Shares in business profits, shall be accounted for in a register in Form No. 23.

(ix) In respect of agricultural land a register of demand and collection shall be maintained in Form No. 24. Demand in respect of all items brought on to the property register for agricultural land shall be recorded in this register, the name of evacuee owner, the allottee and the monthly rent fixed for each item of property shall also be shown therein. Demands, which will be collected by issue of rent bills and the realisations effected, shall be noted in the columns provided for the purpose.

(x) The Demand and Collection registers shall be reviewed and closed at the end of each year and the outstanding balances shall be struck and carried forward to the registers of the succeeding year. A certificate to the effect that all recoverable demands of the year have been noted in the registers and that the balances have been correctly carried forward to the succeeding year's registers shall be recorded at the end of each register by a responsible officer.

(xi) A statement showing demands to the end of the previous month, recoveries made during the current month and the outstanding balances shall be forwarded to the Ministry of Rehabilitation, Government of India, through the Custodian-General not later than the 15th day of the succeeding month and

causes of arrears if any and steps taken to clear them shall be explained in the statement..

(xii) A cash book in Form No. 25 shall be maintained to show all transactions of receipts and payments relating exclusively to evacuee property. Amounts received or paid on account of evacuee property shall be entered in the cash book on the dates on which they are received or paid. The cash book shall be closed daily and the entries therein shall be checked and initialled daily by the Custodian or an authorized Gazetted Officer. Cash in hand shall be deposited promptly into the Treasury. The cash in hand shall be verified at the end of each month by the Custodian or by any other Gazetted officer nominated by him for the purpose and he shall record a signed and dated certificate to this effect in the cash book. In addition, surprise checks shall be made frequently at irregular intervals. The balance in the treasury column of the cash book, at the end of each month, shall be reconciled with the balance shown in the Treasury pass book.

40. All receipts relating to evacuee property shall, as a general rule, be credited into the Treasury to a Personal Deposit account opened in the name of the Custodian of Evacuee Property or other officer authorized by Government in this behalf. This deposit account shall be designated "Deposits of Custodians of Evacuee Property" and shall be opened under Section "P—Deposits and Advances— Civil Deposits Personal Deposits" in the Central Section of the accounts. The total of the ledger balance as extracted in Form No. 28 shall be reconciled with the total of the balance in the cash and treasury columns of the cash book. If there is any difference it shall be investigated and reconciled. (See also note to rule 45.)

As an exception to the above rule, sale proceeds and other receipts of unidentified evacuee movable property shall not be credited to the Personal Deposit Account of the Custodian of Evacuee Property, but shall be deposited after deducting administration charges and Custodian's fee into the Treasury in favour of the Deputy Accountant-General. Food and Rehabilitation, Delhi, for credit under a distinct Suspense head "Sale proceeds of unidentified evacuee movable property" subordinate to Section P—Deposits and Advances, Part IV Suspense. When such receipts are deposited into the treasury, they shall be shown as creditable to the Deputy Accountant-General, Food and Rehabilitation, New Delhi, to whom a copy of the Treasury Challan (marked original) shall be forwarded in advance to enable him to watch the credits.

41. *Payments.*—Where repairs, etc., to Evacuee Property are carried out by the Public Works Department, the Executive Engineer concerned shall send a schedule in Form No. 26 showing the charges incurred by him on such repairs, etc. These charges shall be debited to the account of the property of the Evacuee owner concerned. Where, however, the allottees in occupation of evacuee property are permitted by the Custodian to carry out minor repairs and to set off the amount of expenditure actually incurred against the rent due, the gross aomunt of the rent shall be entered in the relevant Demand and Collection Register while the cost of repairs shall be noted in the appropriate column in the account of the property of the evacuee concerned.

42. *Municipal and other taxes paid in respect of evacuee property shall be debited to the account of the property of the evacuee concerned.*

43. *Payment by Custodian.*—(1) No payment shall be made except after the payee has presented his claim and the Custodian or an officer duly authorised by him in this behalf, after checking the same, has passed order of payment thereon.

(2) All payments shall ordinarily be made by cheque, crossed cheque as far as possible, signed by the Custodian or any person authorised by him in

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writing in this behalf, provided that if the amount involved does not exceed Rs. 50 the payment may be made in cash.

*Note 1.*—Cheque Books shall remain in the custody of the Custodians or any other officer who may be authorised by him in writing.

*Note 2.*—No cheque shall be drawn unless it is required for immediate delivery to the person to whom money is to be paid.

*Note 3.*—The bills shall be numbered serially for each month and shall after payment be stamped as under:—

Paid *vide* cheque No. . . . . Dated . . . . . in cash.

(Sd.) Accountant
Cashier.

*Note 4.*—The bill shall, after payment, be filed and kept on record for audit.

44. At the close of each month, figures for the administration charges and Custodian's fee debited to the Personal Ledger Account of the evacuee [*vide* rule 39 (ii)] shall be consolidated in Form No. 27. The monthly totals of gross realisations and "administration charges and Custodian's fee" as worked out in this register shall be reconciled with the corresponding figures in the classified Abstract Form No. 29. A cheque for the total amount of "administrative charge and Custodian's fee" for the month shall be drawn by the Custodian against his Personal Deposit Account which will be paid by the Treasury by transfer credit to the head "XLVI—Miscellaneous—Miscellaneous" 'Central' or 'State' according as the Custodian is a Central or State Government officer.

45. The total monthly debits and credits in each ledger account shall be entered in a register in Form No. 28, any difference between the total credits and debits as per this register shall be agreed with the difference of total receipts and payments posted in the classified abstract in respect of the deposit head.

*Note.*—A certificate that the balances in the Personal Ledger account of the evacuees have been reconciled with the cash in hand *plus* the amount shown in the treasury column of the cash book (*vide* rule 40) and with the classified abstract (as provided above) shall be submitted by the end of month following that to which the accounts relate, to the Ministry of Rehabilitation, Government of India, through the Custodian-General.

46. Each Custodian of Evacuee Property shall compile monthly a classified abstract in Form No. 29 and work out the progressive totals for the whole year in a consolidated abstract in Form No. 30. A copy of the Classified Abstract for the month shall be sent to the local Accountant-General by the end of next succeeding month.

47. Each Custodian of Evacuee Property shall forward to the local Accountant-General, within two months after the close of each half-year ending June and December a statement in Form No. 31 showing receipts credited and expenditure debited to his Personal Deposit Account in the treasury during the half-year. This statement, of which five copies shall be prepared, shall be accompanied by an abstract, in duplicate, showing credits into and payment from each treasury during each month of the half-year supported by Treasury officer's acceptance of the receipts into and payments from the treasury. The total of this abstract should tally with the net total of receipts and payments shown in the half-yearly statement, and if there is any difference, it should be explained in detail.

*Note.*—The statement for the present will be prepared in two parts (i) for "agreed" areas and (ii) for the "non-agreed" areas.

(48) If a form different from that prescribed in these rules is used, the prior approval of the audit officer who is responsible for the local audit of the accounts shall be obtained.

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FORM No. 1

[*See* Rule 6(1)]

OFFICE OF THE CUSTODIAN OF EVACUEE PROPERTY

NOTICE

*Dated* 19

To

Shri.....

.....

.....

WHEREAS there is credible information in possession of the Custodian that you are an evacuee under clause (iii) of Section 2(d) of the Administration of Evacuee Property Act on account of the grounds mentioned below;

AND WHEREAS it is desirable to hear you in person;

NOW, THEREFORE, you are hereby called upon to show cause (with all material evidence on which you wish to rely) why orders should not be passed declaring you an evacuee and all your property as evacuee property under the provisions of the said Act.

The hearing of your case is fixed before the undersigned in Room No..... on.....19 at.....

Grounds :—Acquisition of any right to, iterest in or benefit from any evacuee or abandoned property in Pakistan, otherwise than by way of purchase or exchange.

Deputy

.....Custodian.

Assistant

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FORM No. 2

[*See* Rule 7(2)]

OFFICE OF THE CUSTODIAN OF EVACUEES' PROPERTY

NOTIFICATION

*Dated* 19

In pursuance of sub-section (3) of Section 7 of the Administration of Evacuee Property Act, 1950 the Custodian for the State of is pleased to notify for general information the list of the evacuee properties specified in the schedule annexed hereto, which have vested in him.

SCHEDULE

| Serial No. | Description | Locality |
|---|---|---|
| | | |

Custodian of Evacuees' Property.

FORM No. 3. 43

[*See* Rule 8(1)]

OFFICE OF THE CUSTODIAN OF EVACUEES' PROPERTY

Notice under sub-section (4) of Section 8 of the Administration of Evacuee Property Act, 1950.

WHEREAS the undermentioned property has vested in the Custodian under Section 8 of the Administration of Evacuee Property Act, 1950, I hereby demand that the possession of the said property be surrendered by you to me or to authorised by me, by failing which you will be evicted from the undermentioned premises, with such force as may be necessary for the purpose.

| Serial No. | Description | Locality |
|---|---|---|
| | | |

Custodian of Evacuees' Property.

Dated :

To

.....

.....

---

FORM No. 4

[*See* Rule 9(1)]

OFFICE OF THE CUSTODIAN OF EVACUEES' PROPERTY

WARRANT OF EVICTION

Warrant of Eviction under Section 9 of the Administration of Evacuee Property Act, 1950.

WHEREAS a notice in writing, dated in which a demand to surrender the possession of undermentioned property was made to

AND WHEREAS he has refused or failed to vacate the said property.

NOW, THEREFORE, in exercise of the powers vested in me by Section 9 of the said Act, I hereby order that be evicted forthwith from the said property and the same be taken into possession. I also order the use of such force as may be necessary for the purpose of eviction and for taking the property into possession.

Given under my hand and the seal this day of 195

Custodian of Evacuees' Property.

| Serial No. | Description | Locality |
|---|---|---|
| | | |

44

## THE FORM OF THE BOND

### FORM No. 5

[*See* Rule 11]

### OFFICE OF THE CUSTODIAN OF EVACUEES' PROPERTY

KNOW ALL MEN BY THESE PRESENTS that we (Superdar) and (Surety) do hereby bind ourselves and each of us, our and each of our heirs, executors and administrators to pay to the President of India on demand the sum of Rs. Dated this day of , 195 .

WHEREAS the above bounden (Superdar) has been entrusted by the Custodian of Evacuee Property hereinafter called 'Custodian', with the custody of the property mentioned in the Schedule hereunder written;

Now the condition of the above written bond is such that if the above bounden (Superdar) shall duly hand over to the Custodian whenever demanded by him, the property, mentioned in the Schedule hereunder written in good order and condition and shall duly account for any loss which the owner of the property may suffer by reason of any default or neglect on his part and shall, until delivery to the Custodian as aforesaid property maintain and take care of the said property and shall obey all orders of the Custodian in respect thereof then and in such case the above written obligation shall be void and of no effect; othrwise it shall be and remain in full force and virtue.

The Schedule above referred to
Signed and delivered by the above-bounden
(Superdar) in the presence of
Signed and delivered by the above-bounden
(Surety) in the presence of
Two witnesses

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### FORM No. 6

[*See* Rule 13]

### OFFICE OF THE CUSTODIAN OF EVACUEES' PROPERTY

*Dated* 195

### INVENTORY

List of properties recovered on from the House, Factory/Chop/ Garden of at
No. Mohalla
City.

| Serial No. | Name of Properties | Description |
|---|---|---|
| | | |

Witnesses.

(1)
(2)

Signature of official
Recovering the property
Counter signature of Assistant
Deputy Custodian.

**FORM No. 7** 45

[*See* Rule 20(4)]

OFFICE OF THE CUSTODIAN OF EVACUEES' PROPERTY

To

.....

.....

WHEREAS the transfer/transferee has presented an application dated to the Custodian for confirmation of the transfer as specified below

You are hereby required to be presented on at in the office of the Custodian.

You may also bring any papers in your possession relevant to the inquiry.

Custodian of Evacuees' Property.

PARTICULARS OF TRANSFER

FORM No. 8

[*See* Rule 25 (2)]

CUSTODIAN OF EVACUEES' PROPERTY

Dated.....195

Book No..... Receipt No.....Place.....

Received from.....

.....

.....

Rs.....Rupees.....

.....

on account of.....

.....

.....

Signature of Cashier/Official granting receipt.

FORM No. 8

[*See* Rule 25 (2)]

CUSTODIAN OF EVACUEES' PROPERTY

RECEIPT FOR PAYMENTS TO GOVERNMENT

Dated.....195

Book No..... Receipt No.....Place.....

Received from.....

.....

.....

Rs.....Rupees.....

.....

on account of.....

.....

.....

Signature of Cashier/Official granting receipt.

47 23

47

FORM No. 9

[*See* Rule 25 (2)]

OFFICE OF THE CUSTODIAN OF EVACUEES' PROPERTY

Book No. Receipt No. Place

Dated

Received from

Rs. (Rupees

in cash/by cheque on account of rent/licence fee/lease money in respect of for

@ Rs.

Previous Receipt No.

Signature

Designation

48

## FORM No. 10.

[*See* Rule 33 (*a*)]

*Register of immovable Property.*

| Sl. No. | Locality | Municipal House No. | Ration House No. | Designation of property by name, if any, and by type of building for instance residential bungalow, shop, Cinema, Theatre, Mosque, Factory, etc. | Name and address of owner | Accommodation available, No. and size of rooms, store rooms, verandah, kitchen, bathroom, courtyard, etc. | Present condition of the building |
|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| | | | | | | | |

| Site rent, if any, payable by owner of the building | Class of accommodation | Whether Electricity or Water laid on | Present occupant (Name and Father's name or Head of Family) | Local or refugee ; if refugee, occupation report filed or not, if filed its No. and date of refugee Registration Certificate | Province of origin Western Pakistan | Authority of occupation, if any (allotment or confirmation letter with No. and date) |
|---|---|---|---|---|---|---|
| 9 | 10 | 11 | 12 | 13 | 14 | 15 |
| | | | | | | |

| Date of occupation | No. of his family members and their Ration Cards Nos. Their names, ages and relationship to the head | Description of present occupation, *i.e.*, Business, Service or other avocation | His income from immovable property before he left Pakistan | Name of F. I. who surveyed | Name of officer who checked |
|---|---|---|---|---|---|
| 16 | 17 | 18 | 19 | 20 | 21 |
| | | | | | |

| No. and Date of tenancy deed executed | Municipal Assessment | Assessed rent (per mensem) | Restoration | | Remarks |
|---|---|---|---|---|---|
| | | | Date of application | Restored on | |
| 22 | 23 | 24 | 25 | 26 | 27 |
| | | | | | |

FORM No. 11

[*See* Rule 33 (*b*)]

*Register of Inventories of Movable property of*.....

Address.....

Locality.....

| Value as per report of Deputy Custodian | | | Condition in which taken over | Initials | Reference to order, if restored or lent on hire or otherwise | Reference to S. No. in the sale list | Sale Proceeds Received | | | | | Initials | Remarks |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | No. and date of chellan | No. and date of receipt | Amount | | | | |
| Rs. | As. | Ps. | | | | | | | Rs. | As. | Ps. | | |
| | | | | | | | | | | | | | |

FORM No. 12.

[*See* Rule 33 (*b*)]

MALKHANA LABELS.

Name of estate.....

Date of possession.....

Serial No. Register of Valuables.....

.....

---

FORM No. 13.

[*See* Rule 33 (*c*).]

*Register of valuables.*

| | | |
|---|---|---|
| Serial No. | | |
| Name of estate | | |
| Reference to | Index Register | |
| | Register of movable property | |
| Full particulars of property | | |
| Date of possession | | |
| Initial of the incharge | | |
| Date of disposal | | |
| How disposed of (in case of sale, quote No. and date of receipt). | | |
| Initials of incharge | | |
| REMARKS | | |

52

FORM No. 14.

[*See* Rule 39 (*i*)]

*Index Register.*

1. Serial No.

2. Name and father's name of evacuee with address before evacuation.

3. Firm's name, if any.

4. Name of register. ***Reference to page thereof :—

   (*a*) Register of movable property.

   (*b*) Register of immovable property.

   (*c*) Register of debts or claim due to evacuee.

   (*d*) Register of Agricultural property.

   (*e*) Ledger.

5. Dates on which property restored or disposed of.

6. Remarks.

FORM No. 15.

[*See* Rule 39 (ii)]

*Ledger Account of the Estate of.....Evacuee.*

*Address*

| Immovable Property Register No. | Agricultural Property. Register No. | Page No. | Movable Property. Register No. | Page No. | Debts or claims due to Evacuee. Register No. | Page No. |
|---|---|---|---|---|---|---|
| 1 | 1 | | 1 | | | |
| 2 | 2 | | 2 | | | |
| 3 | | | 3 | | | |
| 4 | | | 4 | | | |
| 5 | | | 5 | | | |
| 6 | | | 6 | | | |

| Month | Particulars of Transactions | CREDIT Register No. | CREDIT Register Page | Amount | Progressive Total | Initials | Remarks | DEBITS Register No. | DEBITS Register Page | Amount | Progressive Total | Balance | Initials | Remarks |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | | 4 | 5 | 6 | 7 | 8 | | 9 | 10 | 11 | 12 | 13 |
| | | | | | | | | | | | | | | |

## FORM No. 16.

[*See* Rule 39 (iii)]

*Receipts and payments on account of Immovable Property (other than Agricultural Property).*

1. Ward No.
2. Name of street/lane.
3. Municipal No. of House/Business Premises/Factory.
4. Name of owner with parentage and address.
5. Name of occupant with parentage.
6. Date of occupation.
7. Assessed Rent; Licence Fee.
8. House Tax/Water charges, if recoverable.

| RECEIPTS | | | | | | | PAYMENTS | | | | | | | | | | | REMARKS |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | | | Nature of Expenditure | | | | | | Progressive Total | | |
| Serial No. | No. and date of Challan Receipt | Brief particulars and period | Amount | Progressive Total Rs. | Initials | Remarks | Date of payment | No. of Vouchers and Date | House Tax | Water Tax | Repairs | (a) Ordinary repairs | (b) Special repairs | Miscellaneous | Administrative charges and Custodian's fee. | Total Rs. | | Initials | |
| 1 | 2 | 3 | 4 | | 5 | 6 | 7 | 8 | 9 | 10 | 11 | | | 12 | 13 | 14 | 15 | 16 | |
| | | | | | | | | | | | | | | | | | | | |

Form No. 17.

[*See* Rule 39 (iii)]

*Receipts and payments account of Immovable property (Agricultural).*

1. Reference to page No. of basic record—Register of Immovable Property.
2. Name of village, Tehsil and District.
3. Khasra No./other particulars of property.
4. Name of owner with parentage and address.
5. Name and parentage of persons other than the owner, if any, interested in the property.
6. Interest of Evacuee in the property.
7. Name of occupant with parentage and address.
8. Date of occupation.
9. Assessed rent.
10. Period for which rent at item 8 above is assessed.
11. Share of evacuee in the rent.
12. Reference to serial number and page of basic record of Property Register.

| RECEIPTS | | | | | | | Payments Nature of Expenditure | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Serial No. | No. and date of Challan/ Receipt. | Brief particulars and period | Amount | Progressive total | Initials | Remarks | Date of payment | No. of voucher | Taxes on property | Land Revenue including cess | Lambardari fee | Total | Progressive total | Initials | Remarks |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 |
| | | | | | | | | | | | | | | | |

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## FORM No. 18.

[*See* Rule 39 (iv)]

*Receipts and payments account of movable property*

*Reference to page No. of Basic Record-Register of movable property.*

*Name.*

*Address.*

| Sale proceeds | | | | | | | | | Expenditure | | | | | | | Date of verification of balance and remarks, if any |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Month | Serial No. | Description of property | No. of articles | Ref. to Sl. No. in the sales list | No. and date of Chellan | Amount | Initials | Remarks | No. and date of Voucher | Particulars of payments | To whom paid | Amount | Administrative charges and Custodian's fee | Total (Cols. 13 and 14) | Initials | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 |
| | | | | | | | | | | | | | | | | |

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FORM No. 19.

[*See* Rule 39 (iv)]

*Sale list of property sold by the Custodian of*.....

| | | |
|---|---|---|
| Serial No. | 1 | |
| Date of Sale | 2 | |
| Particulars of property | 3 | |
| Number of articles, if any | 4 | |
| Name of Estate | 5 | |
| Reference to page No. of property register | 6 | |
| Amount for which sold | 7 | |
| Amount recovered at the time of sale | 8 | |
| Balance left due | 9 | |
| Names of bidders and the amount of bids. | 10 | 1 2 3 4 5 6 |
| Thumb impression or signature of purchaser, *i.e.*, HIGHEST BIDDER. | 11 | |
| No. and date of receipt issued | 12 | |
| Remarks | 13 | |

FORM No. 20.

[*See* Rule 39 (v)]

*Receipt and expenditure account of debts and claim due to..... .....*

*Reference to basic Record-Register of debts and claims due to evacuees.....*

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | | | | 8 | | | 9 | | | 10 | 11 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | Amount of debt or claims | | | | Amount received | | | Expenditure | | | | |
| | | | | | | Secured | | Unsecured | | | | | | | | | |
| Month | Serial No. | Debtor's name with address | Nature of claim | Amount of debt or claim | Reference to order determining the debts or claim | Principal | Interest | Principal | Interest | Date of auction | No. and date of receipt | Amount | Admn. charges and Custodian's fees | Other expenditure | Total | If restored to the evacuee, date and reference to order of restoration. | Remarks |
| | | | | | | | | | | | | | | | | | |

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FORM No. 21.

[*See* Rule 39 (vi)]

*Rent, Demand and Collection Register of Immovable Property (other than Agricultural)*

Ward No.

Name of Mohalla

| Serial No. | House or shop No. | Name, parentage and address of owner | Name and other particulars of tenants | Particulars of property | Date of occupation | Authority | Monthly rent | Arrears up to 31-3-1949 | Initials of rent officer or any Govt. Servant authorised by the Custodian. | April | | | | May | | | | June | | | | July | | | | August | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | | | | 12 | | | | 13 | | | | 14 | | | | 15 | | | |
| | | | | | | | | | | Rent assessed* | No. and date of receipt | Amount realised | Balance | Amount assessed | No. and date of receipt | Amount realised | Balance | Amount assessed | No. and date of receipt | Amount realised | Balance | Amount assessed | No. and date of receipt | Amount realised | Balance | Amount assessed | No. and date of receipt | Amount realised | Balance |
| | | | | | | | | | | a | b | c | d | a | b | c | d | a | b | c | d | a | b | c | d | a | b | c | d |
| | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

*Amount assessed means amount due for the current month *plus* all arrears outstanding to end of the previous month.

FORM No. 21—*contd.*

| September | | | | October | | | | November | | | | December | | | | January | | | | February | | | | March | | | | Amount written off | | Balance Column 21 (d) *minus* 22 (b)] | Remarks |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 16 | | | | 17 | | | | 18 | | | | 19 | | | | 20 | | | | 21 | | | | 22 | | | | 23 | | 24 | 25 |
| Amount assessed | No. and date of receipt | Amount realised | Balance | Amount assessed] | No. and date of receipt | Amount realised | Balance | Amount assessed | No. and date of receipt | Amount realised | Balance | Amount assessed | No. and date of receipt | Amount realised | Balance | Amount assessed | No and date of receipt | Amount realised | Balance | Amount assessed | No. and date of receipt | Amount realised | Balance | Amount assessed | No. and date of receipt | Amount realised | Balance | Reference to Order | Amount | | |
| a | b | c | d | a | b | c | d | a | b | c | d | a | b | c | d | a | b | c | d | a | b | c | d | a | b | c | d | a | b | | |

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FORM No. 22

[*See* Rule 39 (vii)]

MISCELLANEOUS DEMAND AND COLLECTION REGISTER

1. Serial No.
2. Name and address of person by whom the demand is payable.
3. Name of owner. Particulars of the owner
4. Nature of demand and instalments.
5. Reference to order, if any.
6. Arrears.
7. Current demand
8. Total.

DEMAND.

9. Signature of the Assistant Custodian.
10. Number and date of receipt.
11. Amount.

Amount realised.

12. Balance carried over to next year's register.
13. Initials.
14. Remarks.

NOTE.—Monthly columns may be provided where necessary to suit local conditions.

FORM No. 23

[*See* Rule 39 (viii)]

*Receipts and Payments Account of Evacuee's Interest in Business, Companies, etc.*

| 1 | 2 | 3 | 4 | | | | 5 | | 6 | 7 | 8 | | 9 | 10 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| S. No. | Name & parentage of evacuee | Name of business, company, etc., with address of head office in which evacuee has interests | Particulars and extent of interest on the evacuee in the business | | | | Particulars of income or dividend, etc., due | | Deductions | Net Amount realisable | Amount realised | | Personal Ledger A/cs. | Remarks |
| | | | Particulars & extent of interest | No. & date of shares, etc. | Amount invested | Paid up value of shares | Period | Amount | Income-tax, etc. | | No. & date of Custodian's receipt | Amount | Folio No. | |
| | | | | | | | | | | | | | | |

FORM No. 24.

[*See* Rule 39(ix)]

*Demand and Collection Register for Agricultural Property.*

| S. No. | Sl. No. in the property register | Locality and description of property | Name and parentage of evacuee owner | Name, parentage and orgl. home address of the present allottee or person by whom demand is payable | Date of occupation and authority for occupation | Assessed rent or nature of demand | | INITIAL | | Realisations S. No. and date of receipt amount | Balance carried over to next year's register | Remarks |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | Period of demand | Arrears | Current demand | Ref. No. and date of demand Bill | | | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |

FORM No. 25

[*See* Rule 39 (xii)]

*Cash Book for the month*..... ...*195* .

| Dr. | | | | | Receipts | | | | | | | Payments | | | | | | | Cr. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Date | Sl. No. | Sector or section | Receipt No. | On what account and from whom received | Cash in | | | | | Remarks | Date | Sl. No. | Sector or section | Vr. No. | On what account and to whom paid | Amount paid at treasury | | | Remarks |
| | | | | | Hand | | | Treasury | | | | | | | | in cash | | | |
| | | | | | | | | | | | | | | | | Cheque amount | | | |
| 1 | 2 | 3 | 4 | 5 | 6 | | | | | 7 | 8 | 9 | 10 | 11 | 12 | 13 | | | 14 |
| | | | | | Rs. | a. | p. | Rs. | a. | p. | | | | | | Rs. | a. | p. | Rs. | a. | p. |
| | | | | | | | | | | | | | | | | | | | | |

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FORM No. 26

(*See* Rule 41)

*Schedule of Repairs to Evacuee Property for the Month of*.....

| Sl. No. | Description and location of property with name of evacuee owner | Nature of work done by P. W. D. or departmentally | No. and date of letter conveying administrative approval | Amount sanctioned | Amount Spent | Remarks |
|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| | | | Total ... | | | |

Compared with the relevant
Schedule of work expenditure.

Divisional Acctt.

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FORM No. 27

(*See* Rule 44)

*Register showing Gross Collections and 10% Deduction.*

| S. No. | Ledger Folio of personal ledger account of the evacuee | Month gross collections | 10% charge for collection | Total |
|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 |

FORM No. 28

(*See* Rules 40 and 45)

*Summary of Monthly Balances in the Personal Account*

| S. No. | Name of Evacuee with parentage | Ledger Folio | April | | May | | June | | July | | August | | Sept. | | Oct. | | Nov. | | Dec. | | Jan. | | Feb. | | March | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | Bal. Dr. | | Cr. | Bal. Dr. | Cr. | Bal. Dr. | Cr. | Bal. Dr. | Cr. | Bal. Dr. | Cr. | Bal. Dr. | Cr. | Bal. Dr. | Dr. | Cr. | Cr. | Dr. | Dr. | Cr. | Cr. | Dr. | Dr. | Cr. |
| 1 | 2 | 3 | 4(a) | 4(b) | 5 (a) | 5 (a) | 6 (a) | 6 (b) | 7 (a) | 7 (b) | 8 (a) | 8 (b) | 9 (a) | 9 (b) | 10 (a) | 10 (b) | 11 (a) | 11 (b) | 12 (a) | 12 (b) | 13 (a) | 13 (b) | 14 (a) | 14 (b) | 15 (a) | 15 (b) |

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FORM No. 29

(*See* Rule No. 46.)

*Classified abstract for the month of*.....

*RECEIPTS*

| P—Deposits and advances etc. Civil—Deposits-Personal Deposits-Deposits of the Custodians of Evacuee Property | | | | | | | | | | | | | | | | | | | Creditable to D. A. G. (F & R) | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Income from Immovable property | | | | | | | | | | | Income from Identifiable movable property | | | Miscellaneous income | | | | Income from unidentifiable movable property | | | | | |
| | Urban | | | | | | | Rural (Agricultural) | | | | | | | | | | | | | | | | |
| Name of District | Lands | Houses | Shops | Factories, workshops and other commercial undertakings | Miscellaneous | Total—A | Lands | Houses | Shops | Miscellaneous | Total—B | Sale proceeds | Other receipts | Total—C | Evacuee interest in Business concerns, etc. | Debt and other claims | Other receipts | Total—D | Total receipts (A, B + C, D) | Opening balance | Grand total F (C is 20 to 21) | Sale proceeds | Other receipts | Total receipts | *Deduct Expenditure* Administrative charges and Custodian's fee | Other expenditure | Total expenditure | Net-creditable to D. A. G. (F & R) C.I. (3-6) |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

FORM No. 29—*contd.*

(*See* Rule 46)

*Classified Abstract for the month of..... .....*

PAYMENTS

P—Deposits & Advances etc.—Civil Deposits—Personal Deposits of Custodian of Evacuee Property

| | Expenditure on immovable property | | | | | | | | | | Expenditure on movable property identifiable | Expenditure on Miscellaneous items of income | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Urban | | | | | | Rural (Agricultural) | | | | | | | | | | | |
| Name of District. | Taxes | Repairs | (a) Ordinary | (b) Special | Miscellaneous | Total—A. | Taxes | Land Revennes (including cess). | Lambadari fee | Miscellaneous | Total—B. | | Interest in Business concerns | Debits and other claims | Other receipts | Total—C. | Total Expenditure (A, B, C). | Closing balance. | Grand Total (Cols. 15 & 16). |
| 1 | 2 | 3 | | | 4 | | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 |

FORM No. 30

(*See* Rule 46.)

*Consolidated abstract Receipts/Payments for the year .....*

| 1<br>Head of Account | 2(a)<br>April | 2(b)<br>May<br>Total | June<br>Progressive Total | June<br>Total | Progressive Total | Total | Progressive Total | Total | Progressive Total | Total | Progressiv Total |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | | | | |

NOTE.—To be maintained in manuscript.

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FORM No. 31

(*See* Rule 47).

*Statement showing collection of rent, etc. of the evacuees' property for the half year ending*..... .....

Name of District.....State.....Agreed/Non-agreed Area.....

| 1 Sr. No. | 2 Name and parentage of evacuee | 3 Personal Ledger Folio | 4 Particulars of property | 5 Present address of Evacuee (if known) | 6 Location of property | 7 Rent collection & other Income | 8 Expenditure | 9 Net amount payable to the Evacuee | 10 Remarks |
|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | | |

Note.—1. Separate statements for each District and (11) agreed and non-agreed areas should be prepared.

2. Entries relating to each village, town etc., may be grouped together as far as possible.

3. Amounts on each page should be totalled and signed by the Custodian.

[No. II (175)/50-I.D.C.]

V. D. DANTYAGI, Joint Secy.

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